

PLANNING COMMISSION OF MONTEREY PARK AGENDA

**REGULAR MEETING
Monterey Park City Hall Council Chambers
320 West Newmark Avenue**

**Tuesday
July 10, 2018
7:00 PM**

MISSION STATEMENT

The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community.

Documents related to an Agenda item are available to the public in the Community and Economic Development Department – Planning Division located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours and the City's website at www.montereypark.ca.gov.

PUBLIC COMMENTS ON AGENDA ITEMS

You may speak up to 5 minutes on Agenda item. You may combine up to 2 minutes of time with another person's speaking. No person may speak more than a total of 10 minutes. The Board Chair and Board Members may change the amount of time allowed for speakers.

Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting please call City Hall at (626) 307-1359 for reasonable accommodation at least 24 hours before a meeting. Council Chambers are wheelchair accessible.

CALL TO ORDER

Chairperson

FLAG SALUTE

Chairperson

ROLL CALL

Delario Robinson, Theresa Amador, Ricky Choi, Eric Brossy De Dios, and Margaret Leung

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS. While all comments are welcome, the Brown Act does not allow the Commission to take action on any item not on the agenda. The Commission may briefly respond to comments after Public Communications is closed. Persons may, in addition to any other matter within the Commission's subject-matter jurisdiction, comment on Agenda Items at this time. If you provide public comment on a specific Agenda item at this time, however, you cannot later provide comments at the time the Agenda Item is considered.

[1.] PRESENTATIONS - None

[2.] CONSENT CALENDAR

[3.] PUBLIC HEARING

3-A EXEMPTIONS TO SETBACKS AND LOT COVERAGE PERCENTAGE AT THE MONTEREY PARK BRUGGEMEYER LIBRARY IN THE R-3 ZONE

It is recommended that the Planning Commission:

- (1) Open the public hearing;
- (2) Receive documentary and testimonial evidence;
- (3) Close the public hearing;
- (4) Adopt the attached Resolution that approves exemptions to the minimum setback requirements and the maximum lot coverage percentage to provide for the installation of two solar parking canopies/carports at the Monterey Park Bruggemeyer Library located in the R-3 Zone; and
- (5) Take such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

The project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines § 15303 (e) (New Construction or Conversion of Small Structures). The Class 3 exemption applies to the construction and location of limited numbers of new, small facilities or structures – including carports. The project consists of the construction and location of two solar parking canopies/carports. The project will not impact an environmental resource of hazardous or critical concern because the proposed parking canopies/carports will be constructed over an existing parking lot area that currently serves an existing two-story public library and there are no hazardous or critical environmental resources located within the vicinity of the parking lot area. The project involves the installation of two solar parking canopies, the purposes of which are to provide clean energy and help reduce impacts on the environment; as such, the project will not have a significant, adverse or cumulative impact on the environment. The project will not have a significant effect on the environment due to any unusual circumstances because the proposed project is the construction of two solar canopies/carports over an existing parking lot area and the construction of canopies/carports as well as the installation of roof mount solar panels is common within the City. The project will not have significant adverse effects on resources within scenic highways because the project site is located a little less than a mile from the nearest highway, which is the Interstate 10 Freeway. The project will not create a hazard or hazardous material impact because the project is the construction of two solar canopies/carports, which will not create hazards or generate hazardous materials. The project will not result in an adverse impact to a historic resource because there are no historic resources identified within the vicinity of the project site. Staff reviewed the proposed project and did not find any evidence that special circumstances exist that would create a reasonable possibility that the proposed Project will have a significant adverse effect on the environment. Therefore, the proposed Project qualifies for the exemption under CEQA Guidelines Section 15303.

[4.] OLD BUSINESS - None

[5.] NEW BUSINESS - None

[6.] COMMISSION COMMUNICATIONS AND MATTERS

[7.] STAFF COMMUNICATIONS AND MATTERS

ADJOURN

Next regular scheduled meeting on July 24, 2018.

APPROVED BY:

MICHAEL A. HUNTLEY	
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Planning Commission Staff Report

DATE: July 10, 2018

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Mark A. McAvoy, Director of Public Works/City Engineer
SUBJECT: Exemption from the provisions of the zoning regulations in the Monterey Park Municipal Code (MPMC) to encroach into the side and rear-yard setbacks and to exceed the maximum lot coverage percentage to provide for the construction of two solar parking canopies/carports in the R-3 (High Density Residential) Zone – 318 South Ramona Avenue

RECOMMENDATION:

It is recommended that the Planning Commission consider:

1. Adopting the Resolution that approves exemptions to the minimum setback requirements and the maximum lot coverage percentage to provide for the installation of two solar parking canopies/carports at the Monterey Park Bruggemeyer Library located in the R-3 Zone; and
2. Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines § 15303 (e) (New Construction or Conversion of Small Structures). The Class 3 exemption applies to the construction and location of limited numbers of new, small facilities or structures – including carports. The project consists of the construction and location of two solar parking canopies/carports over an existing parking-lot area that currently serves an existing two-story library. The project involves the installation of two solar parking canopies, the purposes of which are to provide clean energy and help reduce impacts on the environment; as such, the project will not have a significant, adverse or cumulative impact on the environment (due to any unusual circumstances, or otherwise), or create a hazard or generate hazardous materials. Additionally, there are no hazardous or critical environmental resources located within the vicinity of the parking-lot area, therefore, the project will not impact an environmental resource of hazardous or critical concern. Lastly, there are no scenic highways or historic resources located within the vicinity of the project, therefore the project will not have significant adverse effects on resources within scenic highways or on historic resources in general. Staff reviewed the proposed project and did not find any evidence that special circumstances exist that would create a reasonable possibility that the proposed Project will have a significant adverse effect on the environment. Therefore,

the proposed Project qualifies for the exemption under CEQA Guidelines Section 15303.

EXECUTIVE SUMMARY:

On September 7, 2016, City Council authorized the City Manager to execute an Agreement with Cenergy Power for solar photovoltaic generation systems at four City facilities: City Hall, Bruggemeyer Library, Langley Senior Center, and the Delta Water Facility.

The agreement is a Power Purchase Agreement (PPA) that provides for a private energy company to construct, own, operate and maintain solar photovoltaic generation systems on City property while the City purchases the system's electric output at a predetermined rate and period: in this case \$0.136 per kWh for a period of 25 years.

Cenergy Power is proposing to install two solar parking canopies/carports at the Bruggemeyer Library. Construction of the solar parking canopies is subject to the zoning regulations in the MPMC as they relate to the R-3 zone; however, the location of the proposed solar parking canopies will exceed lot coverage and setback requirements. For these reasons, Cenergy Power is requesting that the Planning Commission consider exempting the project from certain zoning requirements of MPMC, pursuant to MPMC § 21.04.43.

Property Description

The Library is located at 318 S. Ramona Ave, one lot south of W. Newmark Avenue. To the north is Telacu Monterey Park Plaza (senior housing development), to the west is the Civic Center, to the south is the Boy's and Girl's Club, and to the east is Sheppard of the Hill Church. The property is zoned R-3 (High Density Residential) and designated P-F (Public Facility) in the General Plan.

The Library lot is approximately 79,487 square feet with the existing building covering 51% of the lot area. The first floor of the Library is 29,567 square feet and the attached parking structure at the rear is 10,907 square feet. The remainder of the property is utilized for at-grade parking and landscaping purposes.

Project Description:

Upon review of the plans for the solar parking canopies at the Library, the Planning Division determined that there will be setback encroachments and that the lot coverage percentage will exceed the maximum allowed for the zone.

Cenergy is requesting approval for an exemption from certain MPMC zoning provisions in order to encroach into the minimum required 5-foot side setback and 25-foot rear setback, and to exceed the maximum 35 percent lot coverage, for the construction of the solar parking canopies.

The proposed solar parking canopies at the Library will encroach 2 feet into the minimum required 5-foot side setback and provide no rear setback (instead of the minimum required 25-feet for an R-3-zoned property).

Additionally, installation of the solar parking canopies will increase the lot coverage percentage to 66 percent. The total square footage of the two solar parking canopy structures will be 12,219 square feet, which will increase the lot coverage percentage from 51 percent to 66 percent. According to MPMC § 21.08.080, a lot that is 10,000 square feet or greater in the R-3 zone is allowed a maximum lot coverage of 35 percent of the lot. The requested exemption will allow the maximum lot coverage percentage to increase by 31 percent. It should be noted that the lot coverage currently exceeds the maximum by 16 percent (51 percent – 35 percent). The Bruggemeyer Library was constructed in 1929 and the existing lot coverage is legal nonconforming.

The Bruggemeyer Library is a government facility established by the City to provide a direct service to the public. (See MPMC §§ 2.80.010, *et seq.*, and 21.04.437.) According to MPMC § 21.02.200, government facilities may be exempt from the provisions of the City's zoning regulations provided that the project meets certain criteria:

A. That reasonable attempts have been made to comply with the zoning regulations contained in the MPMC;

The two-story Library property is currently completely built-out; therefore, potential locations for the proposed solar parking canopies are limited to the driveway areas, the parking stalls abutting the Library itself and two existing parking lots adjacent to the Library building. While other locations exist for the installation of the proposed solar parking canopies – which may adhere more closely to the City's zoning regulations – these locations are not feasible due to safety considerations. Specifically, installation of solar parking canopies above the driveway and abutting parking stalls would obstruct a necessary fire lane and impede SCE's underground service. In order to provide for solar parking canopies at the Bruggemeyer Library, installation must take place above the existing parking areas located horizontally along the north of the property (parallel to West Newmark) and vertically along the east of the property.

B. That the strict and literal interpretation and enforcement of the zoning regulations in the MPMC would inhibit the City's ability to maintain public health, safety, and general welfare in the particular instance; and

The strict and literal interpretation and enforcement of the Zoning Code would inhibit the City's ability to maintain public health, safety and general welfare in this particular instance. As indicated above, strict compliance with the Zoning Code would result in the installation of the solar parking canopies in locations which would encroach onto the fire lane and/or impede an undergrounding service connected to a transformer which services the Library. The currently proposed locations are the safest places for the solar parking canopies to be installed. Furthermore, the City

Council previously approved moving forward with the solar canopies, finding that the power generated by these facilities will reduce the City's costs and dependency upon fossil fuels. Additionally, the City Council adopted the Climate Action Plan in 2012 and the Sustainable Community Element in 2014 that promote renewable energy systems in order to maintain and improve the quality of life for the community. These plans specifically propose the installation of solar panels in new and existing developments.

- C. *That granting of the exemption will not be detrimental to the public health, safety, and general welfare or materially injurious to properties or improvements in the vicinity.*

Granting the exemption will neither be detrimental to the public health, safety, and general welfare, nor be materially injurious to properties or improvements in the vicinity. An existing 6-foot tall perimeter block wall separates the proposed solar canopies/carports from the two-story senior housing development to the north and two-story church to the south. As indicated in A, above, the locations proposed are the safest places for the solar parking canopies to be installed at the Bruggemeyer Library location. Additionally, the City Council adopted the 2012 Climate Action Plan and the 2014 Sustainable Community Element; both of which promote the utilization of renewable energy systems in order to maintain and improve the quality of life for the City and specifically propose the installation of solar panels in new and existing developments. Specifically, the City Council found that the power generated by solar photovoltaic generation systems would reduce the City's costs and dependency upon fossil fuels, provide clean energy, and help reduce impacts on the environment. Lastly, the locations of the proposed canopies/carports are existing parking space areas that currently serve the existing public library. The canopies/carports will serve as shade structures for the existing parking spaces as well as provide clean energy. The proposed canopies/carports will be 14 feet tall at maximum, which is one-foot less than a standard one-story, 15 feet tall accessory structure. Detached accessory structures such as garages, carports, canopies, and trash enclosures are common in the residential areas.

Staff is requesting the Planning Commission's consideration of the requested exemptions prior to making recommendations to the City Council for their approval.

Legal Notification

The legal notice of this meeting was published in the *Wave* on June 28, 2018. The legal notice was also mailed to the adjacent properties.

ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

Approving the Amendment to the Agreement with Cenergy Power will reduce the City's projected cost savings for the 25-year contract period from \$5.2M to \$4.3M. The cost savings will reduce electricity costs for four city facilities: City Hall, Bruggemeyer Library, Langley Senior Center and Delta Water Facility.

There is no fiscal impact to the exemption from the provisions of MPMC to encroach into the minimum required 5-foot side setback and 25-foot rear setback and to exceed the maximum 35 percent lot coverage for the construction of solar canopies at the Library.

Respectfully submitted by:



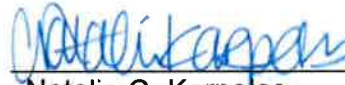
Mark A. McAvoy
Director of Public Works/
City Engineer

Prepared by:



Amy Ho
Principal Management Analyst

Reviewed by:



Natalie C. Karpeles
Deputy City Attorney

ATTACHMENTS:

1. Site Floor and Elevation Plans
2. Draft Resolution

ATTACHMENT 1
Site, Floor and Elevation Plans

ATTACHMENT 2
Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING EXEMPTIONS TO
SETBACKS AND LOT COVERAGE PERCENTAGE
AT THE MONTEREY PARK BRUGGEMEYER
LIBRARY IN THE R-3 ZONE

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds as follows:

- A. In 2012, the City Council adopted the Climate Action Plan; two years later, it adopted the Sustainable Community Element in 2014. Both documents promote the utilization of renewable energy systems in order to maintain and improve the quality of life for the City and specifically propose the installation of solar panels in new and existing developments.
- B. On September 7, 2016, City Council approved an Agreement with Cenergy Power for solar photovoltaic generation system at four City facilities: City Hall, Bruggemeyer Library, Langley Senior Center and Delta Water Facility. Specifically, the City Council found that the power generated by solar photovoltaic generation systems would reduce the City's costs and dependency upon fossil fuels, provide clean energy, and help reduce impacts on the environment.
- C. Cenergy Power proposes to install two solar parking canopies/carports at the Monterey Park Bruggemeyer Library (the "Proposal"). The proposed canopies/carports will not only provide clean energy for City Hall, Bruggemeyer Library, Langley Senior Center and Delta Water Facility, they will also serve as shade structures for the existing parking spaces at the Library. The proposed canopies/carports will be no more than 14 feet tall and are comparable to other detached accessory structures common in the City's residential zones (e.g, garages, carports, canopies, and trash enclosures). The two-story Library property is currently completely built-out; therefore, potential locations for the proposed solar parking canopies are limited to the driveway areas, the parking stalls abutting the Library itself and two existing parking lots adjacent to the Library building. Cenergy proposes to install solar parking canopies above the existing parking areas located horizontally along the north of the property (parallel to West Newmark) and vertically along the east of the property due to safety restrictions which preclude installation above either the driveway or abutting parking stalls (namely, obstruction of a necessary fire lane, as well as impediments to SCE's underground service).
- D. The Bruggemeyer Library is located in the R-3 zone and subject to the zoning regulations of the Monterey Park Municipal Code (specifically, MPMC Title 21). Pursuant to MPMC § 21.08.080, structures within the R-3 zone are

required to have a side-yard setback of at least 5 feet and a rear-yard setback of at least 25 feet; additionally, lot coverage in the R-3 zone cannot exceed 35 percent (see MPMC § 21.08.080). The proposed solar parking canopies for the Bruggemeyer Library will be installed above the existing parking-lot area and located horizontally along the north of the property (parallel to West Newmark) and vertically along the east of the property and will encroach 2 feet into the minimum 5-foot side setback; provide no rear setback); and increase the lot coverage to 66 percent.

- E. The Bruggemeyer Library is a government facility established by the City to provide a direct service to the public. (See MPMC §§ 2.80.010, *et seq.*, and 21.04.437.) MPMC § 21.02.200 exempts government facilities from the MPMC's zoning regulations when certain findings are made.
- F. Cenergy Power is seeking to exempt the Proposal from certain MPMC zoning regulations, pursuant to MPMC § 21.02.200, in order to encroach into the minimum required 5-foot side setback and 25-foot rear setback and to exceed the maximum 35 percent lot coverage for the purpose of constructing two solar parking canopies over an existing parking-lot area, one along the north of the property (parallel to West Newmark) and one vertically along the eastern portion of the Bruggemeyer Library property.
- G. The Proposal is not located in the vicinity of any hazardous or critical environmental resources, scenic highways or historic resources.

SECTION 2: Conclusions. Pursuant to MPMC § 21.04.437, the Planning Commission concludes that the following circumstances exist:

- A. Reasonable attempts have been made to comply with the City's zoning regulations. The two-story Library property is currently completely built-out; therefore, potential locations for the proposed solar parking canopies are limited to the driveway areas, the parking stalls abutting the Library itself and two existing parking lots adjacent to the Library building. While other locations exist for the installation of the proposed solar parking canopies – which may adhere more closely to the City's zoning regulations – these locations are not feasible due to safety considerations. Specifically, installation of solar parking canopies above the driveway and abutting parking stalls would obstruct a necessary fire lane and impede SCE's underground service. In order to provide for solar parking canopies at the Bruggemeyer Library, installation must take place above the existing parking areas located horizontally along the north of the property (parallel to West Newmark) and vertically along the east of the property.
- B. A strict and literal interpretation and enforcement of the Zoning Code would inhibit the City's ability to maintain public health, safety and general welfare in this particular instance. As indicated in A, above, strict compliance with the Zoning Code would result in the installation of solar parking canopies in

locations which would encroach into the fire lane and/or impede an undergrounding service; the locations currently proposed by Cenergy Power are the safest for the solar parking canopies to be installed at the Bruggemeyer Library location. Furthermore, the City Council adopted the 2012 Climate Action Plan and the 2014 Sustainable Community Element; both of which promote the utilization of renewable energy systems in order to maintain and improve the quality of life for the community and specifically propose the installation of solar panels in new and existing developments. Additionally, the City Council found that the power generated by solar photovoltaic generation systems would reduce the City's costs and dependency upon fossil fuels, provide clean energy, and help reduce impacts on the environment.

- C. Granting the exemption will neither be detrimental to the public health, safety, and general welfare, nor be materially injurious to properties or improvements in the vicinity. As indicated in A, above, the locations proposed are the safest places for the solar parking canopies to be installed at the Bruggemeyer Library location. Additionally, the City Council adopted the 2012 Climate Action Plan and the 2014 Sustainable Community Element; both of which promote the utilization of renewable energy systems in order to maintain and improve the quality of life for City residents and specifically propose the installation of solar panels in new and existing developments. Additionally, the City Council found that the power generated by solar photovoltaic generation systems would reduce the City's costs and dependency upon fossil fuels, provide clean energy, and help reduce impacts on the environment. Lastly, the proposed canopies/carports will be no more than 14 feet tall and are comparable to other detached accessory structures common in the City's residential zones (e.g, garages, carports, canopies, and trash enclosures).

SECTION 3: California Environmental Quality Act. The project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines § 15303 (e) (New Construction or Conversion of Small Structures). The Class 3 exemption applies to the construction and location of limited numbers of new, small facilities or structures – including carports. The project consists of the construction and location of two solar parking canopies/carports over an existing parking-lot area that currently serves an existing two-story library. The project involves the installation of two solar parking canopies, the purposes of which are to provide clean energy and help reduce impacts on the environment; as such, the project will not have a significant adverse or cumulative impact on the environment (due to any unusual circumstances, or otherwise), or create a hazard or generate hazardous materials. Additionally, there are no hazardous or critical environmental resources located within the vicinity of the parking-lot area. Therefore, the project will not impact an environmental resource of hazardous or critical concern. Lastly, there are no scenic highways or historic resources located within the vicinity of the project, therefore the project will not have significant adverse effects on resources within scenic highways or on historic resources, in general. Therefore, the proposed Project qualifies for the exemption under CEQA

PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 3

Guidelines Section 15303.

SECTION 4: Determination. The Planning Commission determines that the Proposal relates to the modification of a government facility and, based upon the conclusions set forth in Section 2 (pursuant to MPMC § 21.04.437), is exempt from the requirements of the Zoning Code as it relates to the Proposal. The Planning Commission thereby approves the 2-foot encroachment into the side-yard setback; the elimination of the rear-yard setback; and the increase in lot coverage to 66 percent for the purposes of installing two solar parking canopies at the Bruggemeyer Library.

SECTION 5: Effective Date. This resolution becomes effective immediately upon adoption.

APPROVED, AND ADOPTED this 10th day of July, 2018.

Chairperson Delario Robinson

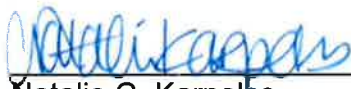
I certify that the foregoing Resolution was duly and regularly adopted by the Planning Commission of the City of Monterey Park at a meeting held on the 10th day of July 2018, by the following vote of the Planning Commission:

Ayes:
Naes:
Absent:
Abstain:

Michael A. Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: _____


Natalie C. Karpeles,
Deputy City Attorney